

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF MARIN LEE

I, Marin Lee, hereby declare as follows:

1. I have lived in Homer, Alaska for 22 years.
2. I am a member of the Center for Biological Diversity.
3. I began fishing commercially for wild sockeye salmon in Bristol Bay as a teenager in 2005. At that time, I fished primarily in the Egegik commercial management district but participated in pizza and supply runs via bush plane to Naknek and King Salmon. Since 2005, I have fished in Bristol Bay for 10 seasons.
4. In the winter of 2022, I purchased a gillnetter, the F/V *Shark* and a limited entry permit. This will be my third season running my own boat.
5. Throughout the years, I have spent time in the Egegik, Nushagak, Naknek and Kvichak rivers in the Bristol Bay watershed. I have also visited Egegik village, Dillingham, Naknek and King Salmon.
6. Some years we brought the boat through Lake Iliamna before or after the fishing season. For those journeys, we sail from Homer across Cook Inlet to Iliamna Bay. There, we wait our turn to be hauled out by the Williams family, who have been running the portage for three generations. Once it's our turn, we drive the vessels up on a trailer to be hauled by tractor trailers thirteen miles up and over mountains to the shores of Lake Iliamna. From there, it is two days across the massive lake to the braids in the upper reaches of the Kvichak River. We travel with the river current downstream until finally, we reach Bristol Bay. These trips are remote and because of them I have visited Mt. Augustine, Iliamna Bay, Kokhanok, Williamsport, and the communities of Igiugig,

Northern Dynasty Minerals Ltd. et al. v. EPA,
Case No. 3:24-cv-00059-SLG

and Levelock on the Kvichak River, as well as numerous unnamed places on the banks of Iliamna Lake.

7. Some of the best days of my life were spent taking the fishing vessels from Bristol Bay to Homer after the commercial season of 2010. We were a strong and determined group of 11 in no hurry. This relaxed schedule and unusually perfect weather allowed us to take nearly two weeks to make the trip. We hiked hills with names we didn't know and picked crowberries, some of the first fresh food we ate after the season. Up the Kvichak River, we stood watch in the bow pointing out shallow areas to avoid as well as bright, spawning salmon. We climbed to the top of Mt. Augustine, amidst the volcanic ash and pumice on shaky, underutilized legs. From there we could see great expanses of Cook Inlet and the Alaska Peninsula, much of the land that would be used as access points and thereby affected by the Pebble Mine. At that time however, the only man-made objects we could see were our boats on anchor. No noise but wind and rockfall. That is my definition of peace and beauty. These vistas would be marred with docks and the hum of infrastructure if the Pebble Mine was permitted.

8. What brought me to Bristol Bay was the opportunity to fish in one of the last great fisheries on Earth; the Bristol Bay sockeye run. The chance to strike it rich was certainly an appeal in my younger years, but now I return to Bristol Bay for various, more nuanced reasons: for connection to people united by the commercial harvest, for connection with truly wild lands and for catching wholesome food to share with the world. I fish commercially and deliver much of the catch to processors, but the crew and

I always save salmon as home packs to bring with us. Once I've returned home, I brine, filet, dry, smoke and can the sockeye to share with family and friends all over. In gifting fish, I am able to give so much more than calories. I give a piece of my work, a piece of the land and a piece of Bristol Bay.

9. Despite the mania that is commercial fishing in Bristol Bay, there's immense beauty to be found. We often have Arctic Terns following us, noisily feasting on invertebrates brought to the surface by the boat's prop wash. Once we had a wandering White-Crowned Sparrow take a rest on the back deck, weary from flying against a storm. I've spotted Killdeer in Egegik village and let them lead me away from their nests with their pretend injuries. And last season, on the banks of Egegik River, several boats on anchor together viewed brown bears navigating the steep banks, showing new cubs how to get up to the grassy highlands and back down to the salmon laden shores. My personal favorite wildlife to spot are beluga whales. Their milky white skin is such a stark contrast to the muddy, opaque river waters. Watching these belugas swim along feels like a gift, a good omen. I treasure these sights, wild animals in wild places, because in a world with ever shrinking habitat and pressures, these animals prevail.

10. Each fish that comes aboard the *Shark* is a fighter, a survivor. A fact that me and my crew honor. They've prevailed through countless immediate life-threatening situations to end up in our nets and support thousands of small businesses, as well as contribute to a healthy ecosystem and uphold ancient, indigenous ways of life. This underlying awareness and reverence colors all of our actions aboard the *Shark*, thus we

are proud to handle each fish carefully, bleed them promptly and submerge them in cold water to preserve the quality. It's about so much more than quality bonuses from the cannery, it's about respecting the spirit of those fish and preserving the quality so consumers can enjoy the best product available. I believe that by preserving that flavor and nutrition, we as fisher folk can act as advocates and compel consumers to join us in protecting Bristol Bay.

11. Commercial fishing is my job, and where I come from, but it's more than that. Fishing in Bristol Bay is the basis of my identity, my community, my ethics and my home. I believe all of these things are paramount, they are the heartbeat of an individual and a community and they cannot be monetized. For many reasons, I intend to return to Bristol Bay as long as I am able. My boat is dry docked in Naknek and come mid-June, we will launch her and be on our way. I am open to fishing in any of the districts but favor fishing the East side districts of Egegik or Ugashik. In those districts, you can see mountains when you stop and look around. And being in Egegik is a bit like being home. It's where I learned to work hard and persevere, it's where my friends are.

12. There is much more than the equipment I need to fish that is out in Bristol Bay. There are friend's ashes at the Johnston Hill line, there is the bluff in Egegik where two dear friends got engaged, this year there will be a brand new baby at set net camp in Egegik, there's Queen's slough in the Nushagak River where I finally got to sleep a full night after my first hectic season. This year, I expect we'll be spreading the ashes of my

first captain, an integral mentor of mine, in Egegik. I will return to commercial fish and do my job, but I will return to visit old friends and old places that make me who I am.

13. Pebble Mine, and the Pebble Partnership, have been prevalent as long as I have fished. We've fought them, and they keep coming back. Over the years, I have participated in numerous public hearings in Homer and Naknek, have written an op-ed for the Anchorage Daily News and submitted multiple comment letters. I can confidently say, the fleet and I will never give up this fight. I believe this issue is far too important, and fisher folk are nothing if not diligent, patient and determined.

14. If the Pebble Mine was permitted and development took place, I would seriously reconsider fishing in Bristol Bay, and I know that I am not alone in that. Currently, taxes generated by the fleet directly contribute to the local economy. Additionally, the fleet funds numerous businesses that pop up exclusively during the Bristol Bay season. These aren't big box stores with unlimited corporate backing, they are businesses run by locals of the region. The tax revenue as well as all revenue generated by the fleet would be sorely missed and, consequently, the people of the region would be negatively impacted. As fishermen, we would also suffer if the Pebble Mine were permitted because we would no longer be able to support ourselves and our crews from profits generated in Bristol Bay.

15. I would reconsider fishing in Bristol Bay if Pebble Mine was permitted for numerous reasons. First, I am a young fisherman, the first in my family, and in the early years of my commercial fishing business. I did not inherit a vessel or limited entry

permit. I bought into the fishery at a high price and the only way I can cover those payments is to participate in the fishery. I believe the prices for boats and permits would plummet if the mine was permitted leaving many of us with huge debts and no way to pay. The Pebble Mine presents too many troubling possibilities for me to gamble on with my new business.

16. As for the Pebble Mine itself, I believe a leak from the tailings could devastate habitat, or poison the salmon. A tainted filet is not a viable product. If the market were to lose faith in Bristol Bay sockeye, it would be years before it could recover. With competition from farmed salmon, the sustainability and quality of Bristol Bay sockeye are what set it apart. If that was gone, I am worried that we would no longer be able to compete in the seafood market. I simply do not trust that the Pebble Mine can operate without harming the environment that is crucial to sockeye salmon.

17. Beyond economic impacts, I believe that the potential for catastrophic environmental damage is far too great, in fact, it is unacceptable. Sockeye salmon are an increasingly rare commodity and they only thrive in pristine environments. There are numerous examples of this in the American West where countless once plentiful sockeye fisheries have collapsed. Sockeye are incredibly tough species, but they need specific parameters in fresh water to rear. They require just the right, pH, turbidity, invertebrate food sources, temperature, even gravel size. Pebble Mine poses inadmissible risks to sockeye at every turn.

18. Simply put, I believe the risk Pebble Mine poses to the Bristol Bay watershed is too great. It is the wrong mine, in the wrong place. If the Final Determination of the Environmental Protection Agency were to be overturned, my livelihood, which is contingent upon a healthy and uncontaminated watershed, would be immediately threatened. I, and all of the fisher folk, would be helpless against the Pebble Partnership.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: April 26, 2024

By: 
Marin Lee